

Bryan Cox

July 2, 2021

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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

LAURIE GARLAND, an individual,)

Plaintiff)

v.)

CIV-2020-306-RAW

STATE OF OKLAHOMA EX REL)

OKLAHOMA DEPARTMENT OF)

CORRECTIONS, CHRISTOPHER)

REDEAGLE, individually; SHARON)

MCCOY, individually; JOE)

ALLBAUGH, individually; PENNY)

LEWIS, individually; RABEKAH)

MOONEYHAM, individually;)

HEATHER CARLSON, individually;)

BOARD OF CORRECTIONS,)

Defendants.)

DEPOSITION OF

BRYAN COX

HELD IN TULSA, OKLAHOMA

ON JULY 2ND, 2021

Prepared by: DEBORAH S. (DEBI) REINHARDT, CCR, CSR

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1 of 'em go missing?

2 A. Correct.

3 Q. And also make sure that they're in the
4 correct area. That they're not in the wrong area of
5 the facility?

6 A. Correct.

7 Q. Was there -- did you have problems daily or
8 weekly or monthly with counts or people not being
9 where they're supposed to be at the Eddie Warrior
10 Correctional Facility in 2018 or '19?

11 A. No.

12 Q. Okay. You said monitoring security was
13 another thing. Did you have problems with the
14 security or the people that you're monitoring 2018
15 or '19?

16 A. Not that I recall.

17 Q. Okay. And when you say monitoring security
18 was one of the things you were really concerned
19 with, does that mean making sure that they're doing
20 their job or that they're showing up, or how they're
21 treating the inmates? Or what exactly does that
22 mean? Your staffing levels?

23 A. All the -- all the above.

24 Q. Okay. Did you ever feel like you could have
25 used more staff as the chief of security?

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1 A. Yes, of course.

2 Q. Okay. You feel you could have used a better
3 trained staff while chief of security?

4 A. No, I wouldn't necessarily say that.

5 Q. Okay. While you're chief of security, did
6 you ever run into an incident of -- of PREA
7 violations?

8 A. Yes.

9 Q. Okay. 2018, 2017 how often would you -- did
10 you run across PREA violations at the Eddie Warrior
11 Correctional Facility?

12 A. I couldn't give you an exact number.

13 Q. Weekly? Daily? Monthly?

14 A. If I had to pick between those three, I
15 would probably say monthly would be more accurate.

16 Q. During your time as chief of security, did
17 you run into problems with guards or Department of
18 the Corrections employees sexually abusing or
19 harassing inmates?

20 A. Repeat that one more time.

21 Q. During your time as chief of security at
22 Eddie Warrior Correctional Facility, did you run
23 into issues with guards or Department of Corrections
24 employees harassing or sexually abusing inmates?

25 A. Are you asking about accusations or?

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1 would have been handled.

2 A. If you're meaning referred out, like,
3 bringing in an outside person that would not be
4 under the purview of what I do as chief. That's
5 the facility head decision.

6 Q. Okay. So you would try to handle it
7 yourself whenever complaints came in?

8 A. I did do what they call inquiries which is
9 just like collecting of information, and stuff like
10 that. But that was under the direction of my
11 supervisor.

12 Q. Meaning the deputy warden and the warden?

13 A. Yeah. They would ask you to do that.

14 Q. Okay. So if a complaint or an accusation
15 came in where you would confer with either the
16 warden or the department warden. And then if they
17 instructed you to then you do an inquiry and
18 collect -- collect evidence?

19 A. Statements.

20 Q. Would you ever just do an inquiry or collect
21 that evidence without consulting with the deputy
22 warden or the warden?

23 A. No.

24 Q. What about there's a -- there's a branch, I
25 think, of DOC called the fugitive apprehension and

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1 investigation division.

2 Are you aware of that?

3 A. Yes.

4 Q. Would you ever call -- you personally as
5 chief of security, would you ever call them in and
6 bounce ideas off them or get them involved?

7 A. No.

8 Q. If they needed to be involved, that was come
9 from?

10 A. Warden.

11 Q. So the investigation in what to do on any
12 accusations really is up to the warden how little or
13 how much to investigate; is that correct?

14 A. I -- yes.

15 Q. Okay. You're not taking an initiative on
16 your own to investigate or do any of this. You're
17 waiting to see what the warden tell you to do or
18 gives you instructions to do; correct?

19 A. Correct.

20 Q. Is there anything proactively that you're
21 doing at all times while chief of security to head
22 off any sort of sexual misconduct by staff against
23 inmates?

24 A. Yes.

25 Q. Okay. Such as what?

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1 A. Correct.

2 Q. And that you'd be able to track the movement
3 of both staff and of inmates; correct?

4 A. Correct.

5 Q. Okay. Are there holes in that camera
6 system, or does it cover everything pretty well?

7 A. I couldn't say there was a hundred percent
8 coverage.

9 Q. Okay. Was -- were you -- as chief of
10 security did you want it to be a hundred-percent
11 coverage?

12 A. That would be a good thing, I guess.

13 Q. That would help prevent it; is that correct?
14 Sexual abuse; correct?

15 A. Yes.

16 Q. Welfare checks, I don't know what that means
17 exactly.

18 Tell me what a welfare check is.

19 A. A welfare check, I guess, best be described
20 as just a -- it's not a formal count. It's just a
21 general observation by the security staff, like,
22 they walk through their assigned areas and just make
23 sure that there's no issues and no concerns.

24 Q. Does that happen on a daily? Weekly?
25 Monthly? Yearly? How often do you welfare checks

1 A. Chris Redeagle.

2 Q. Okay. And you reported to him?

3 A. Yes.

4 Q. Okay. As Deputy Warden, he had the ability
5 to control day-to-day workings of staff and inmates;
6 is that correct?

7 A. Yes.

8 MR. JOSEPH: Object to the
9 form.

10 THE WITNESS: Yes.

11 Q. (MR. DALTON): Thank you.

12 While you're chief of security at Eddie Warrior
13 Correctional Facility, did you feel like it was
14 possible to -- to prevent sexual misconduct or
15 harassment from occurring?

16 MR. JOSEPH: Object to the
17 form.

18 THE WITNESS: I guess I'm
19 really not understanding what you're asking me.

20 Q. (MR. DALTON): While you were chief of
21 security at Eddie Warrior Correctional Facility, did
22 you feel like you had the staff or the ability or
23 the equipment to prevent sexual misconduct from
24 occurring -- or sexual harassment of the inmates?

25 A. So are you asking me if I could prevent 100

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1 or five days later, the chief of security Bryan
2 Cox -- and that would have been you; correct?

3 A. Correct.

4 Q. Interviewed the inmate or Estes regarding
5 the PREA complaint; is that right?

6 MR. JOSEPH: Object to the
7 form.

8 THE WITNESS: Again, I can't
9 recall specific dates. I'm just going by what this
10 says right here.

11 Q. (MR. DALTON): You don't any reason to
12 dispute that those dates are correct; do you?

13 A. I do not.

14 Q. Okay. Do you remember who asked you to
15 investigate or look into this?

16 A. I don't recall.

17 Q. So you don't -- but it would have been
18 either the warden or deputy warden?

19 A. That was the standard protocol, yes.

20 Q. Would it have been normal to wait five days
21 to have somebody investigate it?

22 A. I couldn't speak to that. Like I said, I
23 just did that they asked me to do.

24 Q. As chief of security, you're not setting any
25 policy; are you?

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1 MR. JOSEPH: Object to the
2 form.

3 THE WITNESS: Ask me again.

4 Q. (MR. DALTON): There's a policy decision in
5 here on how quickly to investigate accusations of
6 sexual misconduct; correct?

7 A. Yeah.

8 Q. Is the warden setting that policy or the
9 deputy warden, or are you setting that policy?

10 A. I did not set that policy.

11 Q. Do you believe the warden's the one who
12 makes the determination of how quickly or slowly to
13 investigate these accusations?

14 A. I would say yes.

15 Q. Okay. Very good.

16 Before -- you don't remember who asked you to
17 investigate this, but did have you any inkling of
18 any of this going on before you were asked to
19 investigate it?

20 A. No.

21 Q. Would -- if there had been a incident or
22 staff report made, would you have been copied on
23 that on March 13 or -- or anything like that?

24 MR. JOSEPH: Object to the
25 form.

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1 handwritten notes, would you have turned those over
2 to anybody?

3 A. Yes.

4 Q. Who to?

5 A. Warden.

6 Q. Which -- which would have been Sharon --
7 Sharon McCoy at the time?

8 A. Yes.

9 Q. Okay. And would you expect Warden McCoy to
10 mold onto those notes and have 'em; is that correct?

11 A. Yes.

12 Q. Okay. Did you ever interview people and not
13 take notes?

14 A. No.

15 Q. Okay. So there would be not prepared by you
16 that would have related to your interviewing Miss
17 Estes; is that correct?

18 MR. JOSEPH: Object to the
19 form.

20 THE WITNESS: I would assume
21 so.

22 Q. (MR. DALTON): Okay.

23 Do you remember -- you don't remember being --
24 or do you remember being asked by either the warden
25 or deputy warden about investigating, looking into

1 A. Other than State-issued clothing.

2 Q. Okay. Are -- in your experience as chief of
3 security are prisoners, are they nervous or do
4 they -- do they worry about being retaliated against
5 by Oklahoma Department of Corrections DOC guards or
6 correctional officers?

7 MR. JOSEPH: Object to the
8 form.

9 THE WITNESS: I'm trying to
10 understand your question. Are you saying in
11 general?

12 Q. (MR. DALTON): Yes. Do they have a worry if
13 that if they upset a guard or a DOC employee that it
14 could come back to bite them. That that guard or
15 person might make their life just harder or take it
16 out on them?

17 A. I guess it's possible for them to worry
18 about that.

19 Q. Do you -- did you ever run into -- is that a
20 worry of inmates that you've come across or not?

21 A. In the past, yes.

22 Q. Okay. Well, I just say that because I
23 notice the very last sentence on this first page
24 says I'm having overwhelming feelings about being
25 retaliated on by staff including Redeagle.

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1 Do you see that?

2 A. Yes.

3 Q. Is that a valid concern of Ms. Woolsley?

4 MR. JOSEPH: Object to the
5 form.

6 THE WITNESS: I don't know what
7 you mean by "valid concern." I mean, it's --

8 Q. (MR. DALTON): It's a concern of hers, do
9 you agree?

10 A. No.

11 MR. JOSEPH: Object to the
12 form.

13 Q. (MR. DALTON): You don't agree that she had
14 that concern?

15 A. I agree that she had the concern. It's --
16 (Multiple parties speaking at the same
17 time.)

18 Q. -- she Wrote it down; right?

19 A. Right.

20 Q. She was worried about it.

21 Okay. In this concern you've seen other inmates
22 would have concerns such as this if they think if
23 they make the staff mad they might be retaliated
24 against?

25 A. Yes.

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1 MR. JOSEPH: Object to the
2 form.

3 Q. (MR. DALTON): They're supposed to be
4 emotionally uninvolved with inmates; aren't they?

5 A. I'm not sure exactly what specific question
6 --

7 Q. Okay. Are -- are Oklahoma Department of
8 Corrections staff supposed to have a emotional or a
9 friendship type relationship with inmates?

10 A. I would say no.

11 Q. Okay. You never took any steps to protect
12 Laurie Garland at any time while you were the chief
13 security officer; did you?

14 MR. JOSEPH: Object to the
15 form.

16 THE WITNESS: I would say that
17 would be beyond the purview of my involvement.

18 Q. (MR. DALTON): That's fine.

19 You never took any actions to separate
20 Laurie Garland from Deputy Warden Redeagle; correct?

21 A. Not that I recall.

22 Q. You never asked for a housing change;
23 correct?

24 A. No.

25 Q. You never removed her from any sort of staff

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1 or work re-assignment?

2 A. No.

3 Q. Never ordered a facility change or asked for
4 any of that; did you?

5 A. No.

6 Q. You didn't review and retain any video
7 footage regarding any alleged incident; did you?

8 A. I don't remember.

9 Q. Do you know was there any retaliation
10 against Miss Garland ever for reporting or
11 discussing these -- or these events?

12 A. Not to my knowledge.

13 Q. Did you ever monitor to see if there would
14 be any retaliation against her?

15 A. Not that I recall.

16 Q. Did you ever talk to Investigator Knight?

17 MR. JOSEPH: Object to the
18 form.

19 THE WITNESS: Yeah, I've talked
20 to him.

21 Q. (MR. DALTON): Did you ever talk to him
22 about his investigation into Deputy Warden Redeagle
23 and inmate Garland?

24 A. I wasn't involved in that part of the
25 investigation.

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1 Q. So I guess my question is: Did you ever
2 talk to investigator Knight about his investigation
3 into that?

4 A. I don't -- not that I recall.

5 Q. Okay. Have you ever personally done
6 anything to assess the credibility of Miss Garland
7 or polygraph her or anything like that?

8 A. No.

9 Q. If there was -- strike it.

10 Was the warden or deputy warden satisfied with
11 your investigation that you did, that they had
12 requested you to do into Miss Estes's incident
13 report?

14 MR. JOSEPH: Object to the
15 form.

16 THE WITNESS: They never told
17 me they were dissatisfied.

18 Q. (MR. DALTON): Okay. Were Miss Estes's
19 allegations found to be substantiated,
20 unsubstantiated, or unfounded or do you know?

21 A. I don't know.

22 Q. Did you spend anything more than a day or
23 two on her allegations, or would have everything
24 been concluded within a day or two?

25 A. I don't remember.

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1 Q. What documents would you have prepared
2 and -- and given to the warden as a result of your
3 investigation into Ms. Estes's allegations?

4 We talked about your handwritten notes; correct?

5 A. Yes.

6 Q. Any other -- any other stuff you would have
7 given on to the warden?

8 A. I can't remember specifically what documents
9 were in the file.

10 Q. How about just as a general rule or policy,
11 is there anything else you would have provided on up
12 to the warden?

13 A. Any statements, incident reports, or any
14 synopsis.

15 Q. Did you ever offer any counseling care or
16 protection or anything to plaintiff -- to
17 Ms. Garland?

18 A. Not that I recall.

19 Q. Do you know at the time of late 2018, for
20 the first four months of 2019 were the staffing
21 levels -- were you-guys under-staffed, over-staffed,
22 properly staffed? Do you have any idea?

23 A. I don't recall.

24 Q. Okay. Do you -- when you were chief of
25 security of Eddie Warrior Correctional Facility did

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1 you ever have any worry about staff retaliation of
2 inmates reporting sexual harassment?

3 A. No.

4 Q. When you were the chief security officer did
5 you ever take any specific actions to
6 potentially protect inmates from harassment from
7 guards or DOC personnel?

8 MR. JOSEPH: Object to the
9 form.

10 THE WITNESS: I don't recall
11 any specific incidents.

12 Q. (MR. DALTON): Any time there's been an
13 allegation of sexual harassment, have you ever
14 taken any sort of action to protect inmates from
15 further harassment?

16 A. Again, I don't recall any specific
17 incidents.

18 Q. Okay. Do you believe that Oklahoma
19 Department of Corrections inmates face a substantial
20 risk of sexual assault or sexual harassment?

21 MR. JOSEPH: Object to the
22 form.

23 THE WITNESS: Are you asking my
24 personal opinion?

25 Q. (MR. DALTON): Yes?

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1 was dealing with this that deputy wardens were in
2 charge of, like, the PREA coordinator or whatever.

3 Q. So that would have fallen more you think to
4 Deputy Warden Redeagle at that time?

5 A. Yes.

6 Q. Okay. You'd agree with me this the Oklahoma
7 Department of Corrections has a duty to provide a
8 safe, humane, and secure environment for all
9 inmates?

10 A. You're asking me if I agree with that
11 statement?

12 Q. Yes.

13 A. Yes.

14 Q. And the Oklahoma Department of Corrections
15 is to provide -- as a zero tolerance staff sexual
16 misconduct and harassment policy; is that correct?

17 A. Yes.

18 Q. The deputy warden would have had the ability
19 to manipulate inmate Garland's work schedule or his
20 to be around her; is that correct?

21 A. I don't know if he had direct involvement
22 with her schedule because I don't know what.

23 Q. Did he have the ability to -- did he have
24 the ability to manipulate any of the inmates work
25 schedules or schedules so he could find time to be

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1 MR. JOSEPH: Object to the
2 form.

3 THE WITNESS: I don't remember.

4 Q. (MR. DALTON): Okay. While you're
5 interviewing or while you -- strike that.

6 When a -- when a claim or on allegation of some
7 sort of sexual abuse or harassment is made, is there
8 anything as a policy or procedure that you do to
9 make that inmate feel secure or protected or do you
10 do anything special?

11 MR. JOSEPH: Object to the
12 form.

13 THE WITNESS: Not that I'm
14 aware of.

15 Q. (MR. DALTON): Would you have then --
16 once -- as a matter of policy or procedure, once you
17 became aware of the -- the complaint, or the
18 incident report filed by Miss Estes, would you have
19 told Deputy Warden Redeagle in essence what was
20 being complained of?

21 A. No.

22 Q. Okay. So would he have been in the dark as
23 far as what was being said by -- by Miss Estes in
24 the incident report?

25 A. You asked if I would have informed him?

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1 Q. Yeah.

2 A. No, I would not.

3 Q. Would somebody had informed her when he had
4 a chance to see that incident report?

5 A. That would be up to the warden.

6 Q. Okay. Do you have experience with inmates
7 being victims of sexual harassment or sexual abuse?

8 A. I'm not sure what I -- what you mean by
9 "experience."

10 Q. You've worked at the Department of
11 Corrections for many years and the chief of
12 security. Did you have any experience about victims
13 of sexual abuse or any interactions with inmates who
14 have been victims of sexual abuse or harassment?

15 A. Yes.

16 Q. Did -- did those victims ever feel helpless
17 to deny the advances of prison guards or do you
18 know?

19 MR. JOSEPH: Object to the
20 form.

21 THE WITNESS: I don't know.

22 Q. (MR. DALTON): Is -- is that a concern that
23 inmates would feel helpless to deny advances, or
24 that they're going to be pun-or retaliated against
25 if they deny guards; do you know?

1 form.

2 THE WITNESS: Not that I

3 remember.

4 Q. (MR. DALTON): Would it have been reasonable
5 for inmate Garland to believe that the deputy warden
6 would have an impact on her release or her day-to-
7 day living conditions; the job she had at the Eddie
8 Warrior Correctional Facility?

9 MR. JOSEPH: Object to the
10 form.

11 THE WITNESS: Say it one more
12 time.

13 Q. (MR. DALTON): Yeah. Would it have been
14 reasonable for inmate Garland to believe that the
15 deputy warden could have an impact on her day-to-day
16 living conditions, her release, the jobs that she
17 had there at the Eddie Warrior Correctional
18 Facility?

19 MR. JOSEPH: Same objection.

20 THE WITNESS: I guess it would
21 be reasonable.

22 Q. (MR. DALTON): As -- I'm wrapping this up,
23 by the way.

24 During the time you investigated
25 miss Estes's complaints or allegations, Sharon McCoy